

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-53 are pending in the present application; Claims 1 and 23 having been amended and Claims 45-53 having been added by way of the present amendment.

The Applicant acknowledges with appreciation the courtesy of an interview extended by Primary Examiner Dung and Examiner Ho on December 4, 2000, during which the outstanding rejections were discussed.

As stated in the outstanding Office Action, the Examiner's agreed that the outstanding Office Action is unclear. While the Office Action indicates that the next Office Action would be made non-final, subsequent to the Interview, Examiner Ho telephoned Mr. Kulbaski and asserted a right to make the next Office Action final, if appropriate.

With regard to the unclarity of the outstanding Office Action, the problem lies in that the outstanding Office Action asserts that Kuwabara does not disclose transmitting a communication, as claimed. The outstanding Office Action then asserts that Forsen discloses the transmitting of a communication from the computer to the device. However, as pointed out in the interview, Forsen does not disclose such a teaching. Thus, the rejection, as set forth in the outstanding Office Action, is clearly erroneous. Therefore, each of the outstanding rejection is respectfully requested to be withdrawn.

Claim 1 has been amended to recite that the device associated with the computer is a business office device including a processor. This amendment is supported by the originally filed specification.

The prior art of record including U.S. Patent No. 6,065,136 to Kuwabara does not disclose a device (e.g., main part 11) which either has a processor or is business office device,

such as a copier, printer, facsimile machine, or scanner. To the contrary, Kuwabara is related to devices such as industrial devices which are controlled by a computer and which include mechanical and electrical components. In an industrial apparatus, such electrical and mechanical components are typically actuators and sensors which are not computerized and therefore would not have a processor:

Independent Claims 1 and 23 are clearly limited by the express language of the claims to a business office device. The prior art of record neither discloses nor suggests the use of a method or system, as claimed with a business office device including a processor. Because of the great differences between industrial devices and business office devices such as copiers, printers, etc., it would not have been obvious for one of ordinary skill in the art to modify Kuwabara to operate with a business office device. Moreover, the claims recite the business office device has a processor and this additional feature is also not disclosed in the prior art of record, but merely simple electrical and mechanical components are disclosed. For at least this reason, independent Claims 1 and 23 are patentable over the prior art.

Another feature of the invention recited in various claims such as dependent Claims 9 and 31, and independent Claims 18 and 40 relates to the use of a device driver within the computer. No prior art of record discloses or suggests the use of a device driver in the manner claimed.

It is pointed out that independent Claims 18 and 40, which recite the use of a device driver, have not been amended and therefore, it would be improper to make the next Official Action final if a new reference was attempted to be utilized with respect to the device driver feature. It is to be noted that with regard to the dependent claims such as Claim 9, the outstanding Office Action on numbered page 4 in paragraph no. 6 mentions Claim 9. However, there is no mention whatsoever regarding the use of a device driver in these claims.

Using a device driver with the present invention has many advantages, which are described in the specification. See for example, pages 22 and 23. The device driver allows the present invention to be very easily implemented, if desired, simply by updating the device driver of the business office device, such as the printer, which may be easily done by the user himself. There is no need to update the software such as an application program within the device, and there is no need to worry about, when a device driver is used as claimed, a separate application program specially installed by the user.¹

As no prior art of record either discloses or suggests the use of a device driver as claimed, the rejection of the claims reciting a device driver is respectfully requested to be withdrawn.

Added dependent Claims 45 and 50 relate to the receipt of data from the device, in response to the operation of the processor. As the prior art of record does not disclose a processor which operates in a device as claimed, Claims 45 and 50 which recite the receiving of data in response to an operation of the processor are patentable.

Added dependent Claims 46 and 51 also relate to the use of a device driver.

Added Claims 48 and 52 relate to the transmission of a communication as a command for processing. This command for processing which is transmitted to the device is certainly not disclosed in the prior art of record as in Kuwabara, there is no disclosed processor for processing commands. Therefore, it would not have been obvious to transmit a command for processing by a processor to the device of Kuwabara.

Added dependent Claims 49 and 53 relate to the device being a business office device.

Based on the above, it is clear that the outstanding Official Action has not addressed

¹It is to be noted that the present invention does not preclude the use of separate software, if desired, but the device driver may allow such elimination, if desired.

limitations recited in the original independent claims (and also dependent claims). Moreover, the current form of the claims is also clearly patentable over the prior art as significant features in these claims are not disclosed or suggested by the prior art. If the outstanding Office Action is going to continue to utilize the combination of Kuwabara and Forsen to reject any claims, it is respectfully requested that a clear Office Action be set forth which explains exactly which features are disclosed in the prior art, which features are not disclosed in the prior art, and which features are being utilized from the secondary reference. It is clear that such features are not disclosed in the places set forth in the outstanding Office Action.

It is also pointed out that U.S. Patent No. 5,887,216 to Motoyama which has been utilized to reject some of the claims does not qualify as prior art against this patent application. Therefore, any rejection relying on Motoyama must be withdrawn.

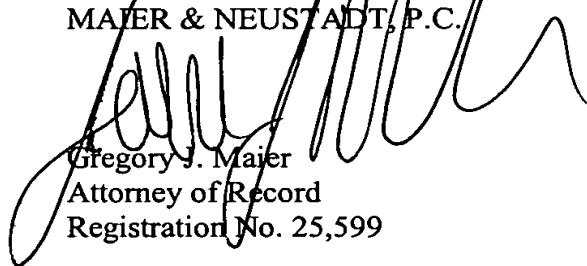
It is further noted that certain claims such as Claim 41 recites the use of a messaging application programming interface (MAPI), yet this feature is nowhere found in the prior art utilized to reject the claims. The next Official Action is respectfully requested to specifically point out where the prior art discloses a MAPI feature, as recited in the claims. With regard to the mail spool directory recited in certain dependent claims including Claim 44, the Applicant does not fully appreciate which element in U.S. Patent No. 5,970,491 of Schreiber et al corresponds to the mail spool directory. The outstanding Office Action is respectfully requested to point out where the mail spool directory is disclosed in Schreiber et al. Neither the Abstract nor column 2, lines 60-67 appear to disclose the mail spool directory as claimed.

Based on the above differences between the present invention and the prior art, each of the outstanding rejection is respectfully requested to be withdrawn.

Consequently, in light of the above discussion and in view of the present amendment, the present application is in condition for formal allowance and an early and favorable action to that effect is requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

James J. Kulbaski
Attorney of Record
Registration No. 34,648



22850

Phone: (703) 413-3000

Fax : (703) 413-2220

JJK:smi:rem

I:\atty\JK\5244\52440084.am1.wpd